

207 Waiver
Title
Legal Description
Policy or Appeals
Correspondence Between Legal & Staff
Letter of Authorization

Appeals of Dedication, Exactions or Zoning Regulations



Rights of Property Owner

In addition to the other rights granted to you by the U.S. and Arizona Constitution, federal and state law and city ordinances or regulations, you are hereby notified of your right to appeal the following City actions relating to your property:

- 1) Any dedication or exaction which is required of you by an administrative agency or official of the city as a condition of granting approval of your request to use, improve or develop your real property. This appeal right does not apply to a dedication or exaction required as part of a city legislative act (for example a zoning ordinance) when an administrative agency or official has no discretion to determine the dedication or exaction.
- 2) The adoption or amendment of a zoning regulation that creates a taking of property in violations of Arizona and federal court decision.

Appeal Procedure

The appeal must be in writing and specify the City action appealed and the date final action was taken, and must be filed with or mailed to the hearing officer designated by the city within 30 days after the final action is taken

- No fee will be charged for filing
- The city Attorney's Office will review the appeal for compliance with the above requirements, and will notify you if your appeal does not comply
- Eligible appeals will be forwarded to the hearing officer, and a hearing will be scheduled within 30 days of receipt by the hearing officer of your request. Ten days notice will be given to you of the date, time and place of the hearing unless you indicate that less notice is acceptable to you.
- The City will submit a takings impact report to the hearing officer.
- In an appeal from a dedication or exaction, the City will bear the burden of proving that the dedication or exaction to be imposed on your property bears an essential nexus between the requirement and a legitimate governmental interest and that the proposed dedication or exaction is roughly proportional to the impact of the use, improvement or development you proposed.
- In an appeal from the adoption or amendment of a zoning regulation, the City will bear the burden of proving that any dedication or exaction requirement in the zoning regulation is roughly proportional to the impact of the proposed use, improvement, or development, and that the zoning regulation does not create a taking of property in violation of Arizona and federal court cases.
- The hearing officer must render his decision within five working days after the appeal is heard.
- The hearing officer can modify or delete a dedication or exaction or, in the case of an appeal from a zoning regulation, transmit a recommendation to the City Council.
- If you are dissatisfied with the decision of the hearing officer, you may file a complaint for a trial *nevo* with the Superior Court within 30 days of the hearing officer's decision.

For questions, you may contact:

City's Attorney's Office
3939 Drinkwater Blvd.
Scottsdale, AZ 85251
480-312-2405

Address your appeal to:

Hearing Officer, C/O City Clerk
3939 Drinkwater Blvd
Scottsdale, AZ 85251

Please be aware that City Staff cannot give you legal advice. You may wish, but are not required, to hire an attorney to represent you in an appeal.

Planning and Development Services

7447 E. Indian School Road, Suite 105, Scottsdale, AZ 85251 ♦ www.scottsdaleaz.gov

Owner Certification
Acknowledging Receipt
Of
Notice Of Right To Appeal
Exactions And Dedications

I hereby certify that I am the owner of property located at:

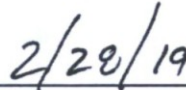
4255 N. Winfield Scott Plaza (APN No. 173-51-072A)

(address where development approval, building permits, or city required improvements and dedications are being required)

and hereby certify that I have received a notice that explains my right to appeal all exactions and/or dedications required by the City of Scottsdale as part of my property development on the parcel listed in the above address.



Signature of Property Owner



Date

Affidavit of Authorization to Act for Property Owner



1. This affidavit concerns the following parcel of land:

- a. Street Address: 4255 N. Winfield Scott Plaza (APN No. 173-51-072A)
- b. County Tax Assessor's Parcel Number: 173-51-072A
- c. General Location: Winfield Scott and 5th Avenue
- d. Parcel Size: 4,800 sqft
- e. Legal Description: See attached

(If the land is a platted lot, then write the lot number, subdivision name, and the plat's recording number and date. Otherwise, write "see attached legal description" and attach a legal description.)

- 2. I am the owner of the land or I am the duly and lawfully appointed agent of the owner of the land and have authority from the owner to sign this affidavit on the owner's behalf. If the land has more than one owner, then I am the agent for all of the owners, and the word "owner" in this affidavit refers to all of them.
- 3. I have authority from the owner to act for the owner before the City of Scottsdale with regard to any and all reviews, zoning map amendments, general plan amendments, development variances, abandonments, plats, lot splits, lot ties, use permits, building permits and other land use regulatory or related matters of every description involving the land, or involving adjacent or nearby lands in which the owner has (or may acquire) an interest, and all applications, dedications, payments, assurances, decisions, agreements, legal documents, commitments, waivers and other matters relating to any of them.
- 4. The City of Scottsdale is authorized to rely on my authority as described in this affidavit until three work days after the day the owner delivers to the Director of the Scottsdale Planning & Development Services Department a written statement revoking my authority.
- 5. I will immediately deliver to the Director of the City of Scottsdale Planning & Development Services Department written notice of any change in the ownership of the land or in my authority to act for the owner.
- 6. If more than one person signs this affidavit, each of them, acting alone, shall have the authority described in this affidavit, and each of them warrant to the City of Scottsdale the authority of the others.
- 7. Under penalty of perjury, I warrant and represent to the City of Scottsdale that this affidavit is true and complete. I understand that any error or incomplete information in this affidavit or any applications may invalidate approvals or other actions taken by the City of Scottsdale, may otherwise delay or prevent development of the land, and may expose me and the owner to other liability. I understand that people who have not signed this form may be prohibited from speaking for the owner at public meetings or in other city processes.

Name (printed)

CARTER M. CRANE, TRUSTEE
GEORGE PASQUEL JR

Date

2/28, 2019
2/28, 2019
_____, 20____
_____, 20____

Signature

Carter M. Crane, Trustee
[Signature]

Planning and Development Services

7447 E Indian School Road, Suite 105, Scottsdale, AZ 85251 • www.ScottsdaleAZ.gov

February 4, 2019

City of Scottsdale
Planning and Development Services Department
7447 E. Indian School Road, Suite 105
Scottsdale, AZ 85251

Re: Authorization 4225 N. Winfield Scott Plaza, Scottsdale (APN No. 173-51-072A)

To whom it may concern:

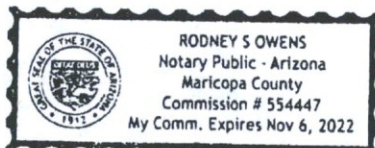
Please accept this letter and signature below as consent and authorization for Withey Morris, P.L.C. to file applications with the City of Scottsdale to obtain land use entitlements for the above stated property. I hereby certify that I am the owner or an authorized agent of the above stated property and that the information indicated here is true and correct to the best of my knowledge.

Carter M. Crane TR

By: *Carter M. Crane*

Its: TRUSTEE

This instrument was acknowledged before me on this 27 day of February,
2019, by Carter Crane. In witness whereof I hereunto set my
hand and official seal.



[Signature]
Notary Public

My commission expires: 11/6/22

2-UP-2019
3/6/2019

LEGAL DESCRIPTION

Lots 72 and 73, WINFIELD SCOTT PLAZA UNIT TWO, according to Book 67 of Maps, page 41,
records of Maricopa County, Arizona

2-UP-2019
3/6/2019

Cluff, Bryan

From: George Pasquel <george@witheymorris.com>
Sent: Friday, November 08, 2019 12:58 PM
To: Cluff, Bryan
Subject: RE: Sunday Goods

⚠ External Email: Please use caution if opening links or attachments!

Bryan,
Please accept this email as formal notice that Withey Morris, PLC is no longer representing Sunday Goods with regard to Scottsdale Case No. 2-UP-2019 and 5-ZN-2019 for the property located at 4255 N. Winfield Scott Plaza.

Thank you
George III

From: Cluff, Bryan <BCluff@Scottsdaleaz.gov>
Sent: Friday, November 8, 2019 10:38 AM
To: George Pasquel <george@witheymorris.com>
Subject: Sunday Goods

George,

Will you please send me something in writing stating that Withey Morris is no longer representing Sunday Goods?
Please reference 2-UP-2019 and 5-ZN-2019. I just need the record for the file.

Thank you,

Bryan D. Cluff, LEED AP
Senior Planner
City of Scottsdale
Planning & Development
Phone: 480-312-2258
Fax: 480-312-7088
bcluff@ScottsdaleAZ.gov

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OWNER / AGENT AUTHORIZATION

APPLICATION FOR ZONING/ BUILDING PERMITS/ LAND USE ENTITLEMENTS

Property Address: 4255 N Winfield Scott Plaza

Assessor's Parcel No. 173-51-072A

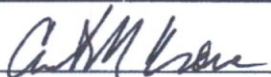
As the Property Owner of the address listed above, I/we authorize Rose Law Group, pc, their attorneys, representatives, agents, and/or consultants, to act as an Agent on my/our behalf for the sole purpose of consummating any building and land use permit and variance/waiver applications, or any other entitlements associated with this property. I/We understand that any application may be approved, modified or denied with conditions, and that such conditions or modifications must be complied with prior to issuance of building permits.

I/We further understand that signing of this authorization in no way creates an obligation of any kind.

Printed Name:

CARTER M. CRANE

Signature:



Date:

11/12/19